

**THE MINUTES OF THE REGULAR CITY COUNCIL MEETING HELD
MONDAY, APRIL 17, 2000 AT 1:30 P.M.**

The Meeting was called to order at 1:33 p.m. Present: Council Chairperson Seng; Council Members: Camp, Cook, Fortenberry, Johnson, McRoy, Shoecraft; Paul A. Malzer, Jr., City Clerk.

The Council stood for a moment of silent meditation.

READING OF THE MINUTES

FORTENBERRY Having been appointed to read the minutes of the City Council proceedings of April 10, 2000, reported having done so, found same correct.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PUBLIC HEARING

APPLICATION OF TFG, INC. DBA ATHE CAPITOL DINING ROOM® FOR A CLASS Ai® AND LIQUOR CATERING LICENSE AT 1445 Ak® STREET;

MANAGER APPLICATION OF RACHEL MARY KLOSTERMAN FOR TFG, INC. DBA ATHE CAPITOL DINING ROOM® AT 1445 Ak® STREET - Phillip Shedoing, TFG, Inc. and Rachel Klosterman TFG, no address given, took oath, & came forward to answer any questions.

This matter was taken under advisement.

MANAGER APPLICATION OF CRAIG WEIDNER FOR B & R STORES, INC. DBA ARUSS-S B & R IGA® AT 130 N. 66TH STREET - Craig Weidner, B & R Inc., no address given, took oath & came forward to answer any questions.

This matter was taken under advisement.

APP. OF CORY FLETCHER DBA AMAHONEY GOLF COURSE® FOR A CLASS Aa® LIQUOR LICENSE AT 7900 ADAMS - Cory Fletcher, Golf Professional at Mahoney Golf Course, no address given, took oath, came forward to answer any questions.

Steve Hiller, Parks and Recreation Dept.: I'm here to answer any question you may have about Cory's application.

This matter was taken under advisement.

APPLICATION OF FOLSOM CHILDREN-S ZOO FOR A SPECIAL DESIGNATED LIQUOR LICENSE COVERING AN AREA MEASURING 200' BY 200' IN ZOOVILLE SQUARE AT 1222 S. 27TH STREET ON THE 9TH DAY OF JUNE, 2000 FROM 5:00 P.M. TO 10:00 P.M. - John Chapo, Folsom Children's Zoo:

Jeff Fortenberry, Council Member: John, my three year old looked at me on Saturday and said, "Daddy the zoo's open today", now I don't know where that came from, but obviously you guys are doing a good job.

Mr. Chapo: Thanks Jeff, that's very kind of you. I appreciate it.

This matter was taken under advisement.

APPROVING A CONTRACT BETWEEN THE CITY & THE LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE & REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA FROM MAY 6 THRU OCT. 28, 2000 - Billene Nemec, Haymarket Farmer's Market, came forward to answer any questions.

Jon Camp, Council Member: I think we should have given Billene a chance to put a plug in. Come on back and tell us what year we're in on the Haymarket, Farmer's Market and all of those good things.

Ms. Nemec: OK, we're beginning our 16th year and with a 108 seasoned vendors this year starting May 6th through Oct. 28th.

Mr. Camp: Thank-you.

This matter was taken under advisement.

AMENDING SEC. 9.16.240 OF THE LMC RELATING TO SEXUAL CONTACT TO ADD LOCATIONS IN WHICH THIS ORDINANCE DOES NOT APPLY, REDEFINING THE PHRASE ASEXUAL CONTACT® & REPEALING 9.16.240 AS HITHERTO EXISTING - Dana Roper, City Attorney: This is basically the same ordinance that you originally adopted. There are two changes to it. One provides that if the sexual contact is initiated by the dancer towards the patron that that is still sexual contact within the meaning of the ordinance or the patron towards the dancer and I say dancer meaning performer or entertainer. And, the second portion provides the exception that Judge Urbaum determined we're wanting in the first ordinance and that being a theater, concert hall, art center, museum, or similar establishment primarily devoted to the arts or theatrical performances. And, that's the language that he wanted from a case called Farcus which was decided in the 8th Circuit. And, other than

that it is the same as you originally adopted.

Steve Mann, 1401 D St., Apt. 10: I go to (inaudible) my friends have not been out this establishment. I have seen other people with him.

I came out on night. I saw (inaudible) cop car. There was a drug dealer giving out money to them. These people were standing in line, giving out money, when dancers (inaudible). I just worry about the bouncer should destroy the home, (inaudible) not to have people standing around (inaudible). They said people have been (inaudible) and everything else. I'm against it.

John Way, Director of Operations for Mataya's Baby Dolls: Once again I find myself up in front of the City to speak for my club and for those of us who could not make it down here. I would ask you to remember that the last time you went to pass the ordinance there were more calls in favor of what we were doing than against. There were also more people who came down here to say their views that were on our side. We also had petitions just as we do now. This time I just brought a small amount. It's approximately 406 signatures. Most of the people on the petition are people who are living in town who are also in favor of what our business does. I'd ask you to please remember that Channel 10 and 11 took a news poll of whether or not the law should be changed and the law came, the poll came back with a strong answer of no. According to their staff the average age of their viewers is 25 to 54 years old and they have more than 10,000 viewers at 6 and 10. I think the people of Lincoln do have the right to make their own decisions and please remember that the Supreme Court decision that was just handed down also has Ginsburg saying and I'll paraphrase her statement trying to get me to believe that pasties, G-strings, and no contact will help reduce the secondary affects is trying to get me to believe the absurd. The constitution of the United States also says we the people have the right to liberty and the pursuit of happiness. It seems little like you'd like to infringe upon that and there's also nothing so bigoted and tolerant and out and out vicious than a liberal intellectual with anybody who won't conform blindly to his beliefs. That was stated by Bell Boyd the person who made it possible for women to join the Secret Service. Our own Chief of Police said in one of his interviews that as a Police Officer he has no problem with these types of places. The churches in Lincoln put in approximately 1500 signatures so they said. There's 211 churches in this town and only four places like mine and we have more than 1500 signatures. Let's just match the numbers and see what level of support each one has. Some of you have been to my club and seen the show. The performance was the same as it always is. You seem to have a decent time there yourself as did your friends. It seems to me that if people do not want to partake of this type of production then they won't. Not all forms of art are mainstream. Some are controversial and some are very controversial. This is the part where you might want to inform your viewers that it could get slightly adult language. The concern that people seem to have with hand jobs and oral sex is ill founded. Those of you that have been at our club have yourself seen the rapid response of our security if someone goes into the wrong area. Those were vicious rumors started by the older adult bars in town and they are untrue. As I have said before the Police who patrol our area can attest to that. We have video that is monitored as well as recorded and we have all of our video tapes from day one. If someone wants to say they've gotten a hand job or something similarly disgusting in our Club they need to come on down here with one of you guys and pick the week. Go through all the video tapes. You'll see nothing like that. There's no where inside that building that you are not monitored. Those things don't happen at my place and if you're concern is oral sex and hand jobs then you should pass an ordinance saying no oral sex and no hand jobs. Don't just sweep all types of contact into the pot. Less than a mile away from our nation's Capital they have gentlemen's clubs and they make mine look mild. It is and should remain a person's choice if they wish to enter and participate. We allow everyone who is of age with ID to enter women and men as long as you're free, multi-cultural, and over 18. You should have the right to decide your own views and path. Please remember that everyone who enters Mataya's Baby Dolls does so at his or her own choosing. No one there is made to do anything, they are not hostages. They are entertainment that Mataya's Baby Dolls provides, it's mainstream. Our clientele is half men and women, goes up in age to the elderly. We are not causing a problem for the City and we still feel that we are being targeted.

This matter was taken under advisement.

VACATING THE ALLEY NORTH OF W. C ST. & WEST OF SW 1ST ST. (4/10/00 - CONT. 3RD

READING W/PUBLIC HEARING TO 4/7/00) - Mike Grieger, no address given: I'm president of Lincoln Land Realty who owns the land all around

this alley and we've been involved with this now for several years. Thank you.

Kathryn Lekai, 1145 S 1st St.: This land has been in our family for 86 years. I was born and raised on the property. I'm 82 years old. There's never been an alley behind our property. I still live on the property. There are no alleys on A Street to F Street. They are all dead-ends. This land is not vacant land. My sister-in-law owns 15 lots in there. It was placed on Pending on July 13, 1998. On Sept. 7, 1998 I was working in my backyard when a bulldozer came into my property. When

I tried to stop it the fella said I was doing what Mike Grieger told me to do. He would have run me over and killed me on my own backyard. He bulldozed my expensive steel gate, two steel posts, chain, lock, and my two No Trespass signs. And, my fence at one end of the lot line to the other end pushed it all onto private property. It is still there. It is a miracle he did bulldoze the side and back of my barn. The posts and gate were next to the barn. I own two properties there. Two and half years ago he cut down trees on private property to create an alley. An individual cannot create an alley on private property. My backyard was torn wide open. He doesn't own any property behind my property. He wants to create an alley on West C Street and SW 1st Street. These streets are not in this area. I live on the dead end of C Street. Those streets are in the West A area. The only way you can locate West C Street is to drive west on West A and make a right-hand turn on the street that leads to Lincoln Plating. There is where you locate West B, West C, West D, and West E. Lincoln Plating is located on West E Street. I also note that now Greiger has removed West B portion, that is his property so he doesn't want an alley on that property, but he wants to create an alley on behind my property on private property. Grieger and his attorney's are making the remark that my property that was destroyed was barbed wire fence. That absolutely was not. We have the pictures that show how it is crushed and pushed onto private property. Greiger also made the remark that my property he destroyed was not where the present gate and fence are replaced. It absolutely is because the same holes were used to put back the posts. He had no legal right to destroy my property. It costs me a lot of money to put the wire post and two men's labor. I'm talking with my attorney to file a lawsuit. I have all the evidence I need. All the pictures show all the damage. Also, the attorney said this land is green space and it cannot be destroyed. Also, grandfather's clause protects all of our property. I ask you City Council members to deny the creation of an alley. Thank you.

Omadeen Tally, 806 W Garfield: However, I am still in the South Salt Creek Neighborhood. On May 20, 1998 Kathryn, Kitty Lekai received notice for a public hearing before City Council on June 1, 1998 for the beginning of Michael Grieger's request to wipe out a portion of South Salt Creek. That day when we were in the courthouse we talked to people in Planning and Public Works before the Council meeting and we were told they were against this plan. At this date it was for creating a water, sewer, and paving district. That day three departments, Planning, Public Works, and City Council, who voted Pending, were in agreement, not for it, and the vote was no. Then on June 3, 1998 two days after Council's decision Grieger began to cut trees. Also, he piled up a pile of garbage and he also did this again on June 5, 1998 and he cut trees again. Then, on June 5th Kathryn got another letter, a request by Public Works on behalf of Mike Grieger to vacate the alley which is on the agenda today. Isn't it strange just four days before Public Works didn't approve any of this destruction. This was placed on Pending, too. I have pictures of the trees being cut. Some of these trees were on public property, but he, Grieger, said he had the right to cut them. But, there is a question, does anyone have the right to cut trees on public property or is it just Grieger that can do it. Grieger also tore up Kitty Lekai's survey fence, post, and her no trespassing sign and Kathryn Lekai's fence and gate which was fastened to her shed. I asked why her fence and post was tore off of her shed and at the same time they went out and around trees and lights and telephone posts which still remained in the alley. We were told the City said they couldn't take the trees or the posts, but they could take the rest of it. Isn't this a big surprise or should I say crooked that they could go around trees and poles, but Kathryn's fence and gate could be torn off of her shed. This was not even the alley that was on the agenda, but when I asked why, he said, that alley would be a way for him to get to one of his properties to another. Does the Council today think anyone could tear up their property so someone could get to their property? I don't think so and I don't think you would think that way also and I think if it was your property you would stop the destruction.

The alley's that have been on Pending since May 27, 1998 are on the

agenda today are not the alley's Grieger gave so much attention to and tore up back of Lekai's property. The alley on the agenda today that was taken off of Pending is north of West C Street and west of Southwest 1st Street and this is a block west of Lekai's property. Lekai's live on South Street and the alley's today are west of Southwest 1st. On the City map it shows two Southwest 1st Streets. So, if Grieger didn't know where the alley's are it may be because the City department that provided the map doesn't know either. It shows two Southwest streets and that's not true. On November 11, 1999 Grieger asked the church, First Congregational German Church, on 1st and F to hold a meeting requested by South Salt Creek. Only a few residence knew about the meeting. They were lucky some of their friends attended the church. He had no right to use South Salt Creek on anything he proposed. He does not live in our neighborhood and tried to once again pull a fast, crooked stunt by using our neighborhood South Salt Creek name and logo for his uncaring purposes. This area is zoned R-4. As of November 2, 1953 this land is grandfathered. It cannot be changed unless it provides a hazard to somebody. Before Grieger there was no hazard, but he has now caused one of the worst hazards any neighborhood could have. I should say there are two hazards, the first one by him being in our neighborhood to begin with and the second one by tearing up trees that have forever sat on a 100 year flood plain and they could have helped hold back water if we had another flood just like they have helped in the past. Residents in South Salt Creek now cannot even build a garage and a house and a house would look like it sits on a mountain on account of the 100 year flood plain. But Grieger can and has done anything he wants to do in this area. At the first meeting two years ago we showed you names of people living close to this area on a petition where a 101 caring people signed it. We could get those names and more, so say no to him today. Kathryn Lekai was born and raised on this property where she, and that is Kathryn that just spoke, on the property where she still lives. Her father put up the fence beginning before March 23, 1920. She should be reimbursed for the damage he did to her fence and gate and other property owners for the damage he has done to their private property. There is no one that has the right to do what he has done and get away with it. People living in South Salt Creek Neighborhood cannot do what he has done and what he intends to do and get away with it. If you vote yes today in his favor he intends to continue as he has before and give our neighborhood H-E-L-L. So we are asking you to say no to any request he has for his damage to this land now and in the future.

Mr. Camp: In part of the testimony you're saying Mr. Grieger has no ownership in any of these adjacent parcels now?

Ms. Tally: Any what?

Mr. Camp: I didn't say that at all. I never said ownership at all. I said that he tore up an alley that wasn't even on the agenda and he tore up areas that at that time no was not his.

Coleen Seng, Council Member: John is asking what's on the agenda today though.

Ms. Tally: What about it?

Mr. Camp: On these two vacations.

Ms. Tally: Well, we've been told he owns it.

Mr. Camp: I think Ms. Lekai said something, I thought one of you said that there was no ownership on the adjacent parcels.

Ms. Tally: No, I think he owns that, but what he intends to do is tear up the rest of the neighborhood to get to that area. And, also if all seven of you would just go out there and see the junk and garbage that he's got piled up there. And, he took all the trees that would help stop any water that may flood the neighborhood. But, now he has taken out everything, but he also has his garbage and junk there.

Ms. Seng: Is there anyone here from Planning to talk about this, yeah. I've got so much old material here on this.

John Bradley, Planning Dept.: It goes back quite a ways.

Ms. Seng: At one point Staff had recommended approval of this vacation subject to a conservation easement.

Mr. Bradley: That's still in the Substitute Resolution that's before you at the bottom if you'll look at it.

Ms. Seng: I see at the very bottom.

Mr. Bradley: This is at the bottom of the, to show that this is the Substitute Ordinance rather, and it's condition at the bottom both with the appraised value of the land that the street return reconstruction pavement amount due is none and that a conservation easement be placed on the property as well as easements for future sanitary and electrical facilities.

Ms. Seng: That's the Staff recommendation at this point?

Mr. Bradley: Yes.

Ms. Seng: Are Staff from all departments in concurrence on this?

Mr. Bradley: To my knowledge. This has had such a long history.

It's our recommendation that, of course, it's been modified where it's just one of the two alleys now and this is the one north of C Street and we recommend you with these conditions on the Substitute Ordinance that it be abandoned, or vacated by the City.

City Clerk: That's the second substitute now did you know that? It was adopted ...

Mr. Bradley: 98-104?

City Clerk: Well that was the last one that was, it still has the conservation easement.

Mr. Bradley: Yes that's the one I have Paul, thanks.

City Clerk: Ok, good.

Mr. Camp: John then if I've got everything correct you're saying it's just this one north ...

Mr. Bradley: That's correct. I understand the alley to the south that was originally in the petition that no longer owns the abutting property to that on the east side so that's no longer in. Just the one to the north, north of C Street.

Mr. Camp: What if, I guess I have a concern that the two ladies who testified about the conditions of the premises or what have you is there something here that is being inflicted upon the neighbors that shouldn't be?

Mr. Bradley: I have not been to this site. I can't tell you. You can't get back there unless you're on foot. It's, you, South 1st Street is and then everything between there and the creek is relatively undeveloped. I could show on the photo, I don't know if it'll show up.

See South 1st Street, this is the alley. You can see that development is limited to the properties that front on South 1st Street. The area behind those homes going back to those alleys is a wooded area undeveloped. I just haven't been back there.

Ms. Seng: Roger do you have any words of wisdom on this since I know you have..?

Roger Figard, Public Works Dept.: Words of wisdom? I think we're in support of the vacation that's there. If there's some other issues between the developer and the property owner Public Works and Building and Safety should be willing to continue to try and resolve those, but I think some of the issues that were raised are outside of this vacation area.

Jeff Fortenberry, Council Member: John, both of these segments of the alley are to be vacated by this?

Mr. Bradley: No, just the west. Just the one to the north, this one.

Mr. Fortenberry: Just the west. The other one abuts the properties which we heard testimony on?

Mr. Bradley: It's my understanding that Mr. Grieger no longer owns the property on the east side of this alley so it's no longer an abutting owner.

Mr. Fortenberry: The testimony that was given where is that alley?

Mr. Bradley: Originally that alley was, we had a proposal for both alleys.

Mr. Fortenberry: That's the alley ...

Mr. Bradley: Just the one to the north is now before you.

Ms. Seng: I think the question is Mr. Grieger owns property there?

Mr. Bradley: I could let Mr. Grieger verify that.

Ms. Seng: I think they were not, they're not saying that he didn't on that ...

Mr. Fortenberry: Basically what I'm trying to get at is the issue regarding the alley dispute is not this particular section of alley it's this other section that's not before us today.

Mr. Bradley: I'm having trouble following it. I'm not sure exactly which section, I mean we got talking about Lincoln Plating and all kinds of stuff that's been substantially removed from this so I'm a little confused myself as to exactly where they're at.

Ms. Seng: Mr. Grieger would you like to answer any of this?

Mr. Grieger: The yellow is most of my land. And, if you look above B Street where the, in between B and ST there's an alley that runs north and I own the land, some of the land to the left side which is the west and the Lekai's live on the east side. And, Public Works and I had some discussions about cleaning up that alley so I could use it and they said there was not money in their budget to maintain that alley so I did use a caterpillar several years ago and I cleaned out that alley. So, what the anger that you hear today is from where I used a caterpillar several years ago to clean out that alley to access land that I own further to the north.

Ms. Seng: Point on where.

Mr. Grieger: This alley here is between South 1st Street and Southwest 1st Street that does not exist.

Ms. Seng: That's not before us today?

Mr. Grieger: No ma'am it is not. I'm just sharing with you that is the root of their anger and their problem for when I cleaned out this other alley two years ago so I could get to my land from the south to the north. This Southwest 1st Street does not exist other than on a plat map.

Mr. Camp: What's there?

Mr. Grieger: Well I'll show you, the trees. It's an open field and for 50 years people have been dumping their debris back there.

Mr. Bradley: This would be Southwest 1st right here. As you can see it's just trees as Mr. Grieger says.

Mr. Camp: Could you put back that map showing what you own again please? Thank you.

Mr. Grieger: Not to belabor the point, but we have interests all the way down to A Street here and we were going to build an apartment building and then Planning Dept. asked if we'd consider putting this 10 acres in the FEMA program and we were the first people to sign up and then they came back and said I'm sorry but another area became a high priority from the FEMA. So, we were told after 8 or 9 months that our property would no longer be considered for FEMA. Now, we're going to go back and bring back the old apartment building plan.

Mr. Camp: Does West C exist?

Mr. Grieger: No sir, it does not. We had a petition here a long time ago to vacate it. You'll be seeing another one in about 15 minutes.

Mr. Camp: What does exist? So, west B doesn't exist either does it?

Mr. Grieger: No it does not.

Mr. Camp: So all that pink is nonexistent.

Mr. Grieger: But, Mrs. Lekai's sister owns the north 48 through 60. We've asked Mrs. Lekai to help vacate Southwest 1st Street. She owns lots about 45 through 60 and then vacate that street completely. I've been mowing that, I've been taking care of it, I've been killing the weeds back there. We spent \$17,000 hauling out other people's trash this last fall.

Mr. Camp: Who owns the light blue on your map?

Mr. Grieger: The light blue on two of those lots we have an offer to purchase and we're dealing with an estate in Minnesota. The bottom light blue is in my name.

Mr. Camp: So you own all of this personally or ...

Mr. Grieger: Lincoln Land Realty.

Mr. Camp: One last question. How do you get to the properties since those streets don't exist?

Mr. Grieger: West B Street, I go to A Street, go north on 1st B Street, or on South 1st Street to an area where West B Street should be and we have a no trespassing sign there to keep the people from dumping their concrete and other debris back there.

Mr. Camp: All we're doing today is just that little tiny alley up in the upper left? The rest of the streets are still ...

Mr. Grieger: It's been two years John.

Jonathan Cook, Council Member: If we retain a conservation easement on this what are you allowed to do in this alley?

Mr. Grieger: All, all I want to do is vacate, I'd like to vacate South 1st Street. I'd like to vacate West B Street. I'd be willing to pay for it and give Mrs. Lekai half of it. Our, our long term plan is to pull back and put an apartment building back along A Street and the Planning Dept. has shared with us that if we build an apartment building on A Street they'll give us a 10 acre density and then we'd have a pond there where Fairway is and have it an open park area.

Mr. Cook: What would you do with this alley specifically if there's a conservation easement on it?

Mr. Grieger: It would be open like the rest of the north 2/3 of this.

Mr. Cook: So whether it's your property or the City's property it's going to not change.

Mr. Grieger: I understand. It's not going to change. Public Works will tell you I've kept it clean and mowed back there.

This matter was taken under advisement.

CIRCLE -Brian Carsten, 2935 Pine Lake Rd., Suite H: Appearing on behalf of Bill Krein. This amendment was just originally started to revise the setbacks around the lots that fronted on these roundabouts because the lots were not as deep in that area and as we got into a little further with Planning the Staff had suggested that we just amend the whole area of the single family and the duplex area back down to the R-3 setback that is the minimum of 20 feet we originally had it set up as 25. We did not reduce the setback for the apartment building areas that are in the cross half. It's just basically the single family and duplex area. So, I'm here to answer any questions.

This matter was taken under advisement.

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$2,500 FROM THE OPERATION OF KENO

LOTTERY FOR THE NEBRASKA AIDS PROJECT WITH RESTRICTED FUNDING TO BE SPENT ONLY ON MATERIAL FOR THE WORKPLACE WHICH RAISES AWARENESS OF AIDS IN THE LOCAL ADULT COMMUNITY - Kit Boesch, Human Services Dept.: This a reconstructed resolution. We were in front of you the first time and asked for a general \$2500 expenditure for Aids prevention education. This is now a little bit more restrictive. It restricts it to workplace materials which you've had an opportunity to examine. And, I guess based on some conversations this week I'm hoping that it meets with your approval and that given the narrowness of the focus that it will go forward. I might also mention one of the things my office does is monitor that expenditure and the concern has been how do you know that the \$2500 goes for what you say it goes for, all I can tell you is that I can document and will ask Nebraska Aids Project to document that the expenditures are on behalf of the workplace Aids material and the time spent delivering it, speaking at workplace places that their invited and so on. But, it will be restricted to that area and I can monitor that.

Mr. Fortenberry: Kit you know my difficulty in trying to get a hold of material that this is going to provide and what I did get were these two pieces of material, this being one ...

Ms. Boesch: And the booklet being the other?

Mr. Fortenberry: Yes. In having some discussions with the medical community and health personnel on this, there is reference in here to utilization of condoms to prevent the spread of HIV.

Ms. Boesch: That could be.

Mr. Fortenberry: Now, that's simply medically inaccurate. It can reduce the risk, but it does not prevent it and that's of serious concern to me.

Ms. Boesch: I guess the only thing I can say to you, Councilman, is that a lot of this material is put out there's, the material put out is put out predominately by the American Red Cross, it's put out by the Center for Disease Control. It is material that is nationally recognized and utilized throughout the country. And, I might add it is material that it is often times found in your own Health Dept. The audience is an adult audience. This is one of the reasons the resolution was stated as it was. It is not a youth audience, but in the work place it is an adult audience. I can't challenge what's printed in other people's material.

I will tell you that the material that's available on Aids education is limited. The material that's used is used nationwide. It's used by our Health Dept., by the Nebraska Aids Project, they don't write it, they use other people's material. They're in the business of distributing Aids education material and not in the business of writing their own material.

They're a very small organization that tries to do a fairly substantial job for a very deadly disease in this community. Last year that disease killed 6 people in this community. And, if there's any kind of avenues that we can take in an adult environment to stop that then we ought to be taking it and there's nothing wrong with using City-County money to do that. Now, if I were to take all the pieces of educational material that we use and go to bat with this description, you know we wouldn't have any prevention education material. I guess what you hope for in an adult environment is if there are people who have issues with some of that they'll say so. It's one of the differences between maybe dealing with kids in public schools and dealing with an adult work force. That's why I thought the resolution at least gave people an opportunity to work in an adult environment with prevention education.

Mr. Fortenberry: I thought it did as well that's why I was disappointed to read this. It could have been easily rephrased that reduces the risk and cited some statistics in that regard not to give people the wrong message that can potentially be deadly and I think that's very unfortunate. Now, I do see that the Nebraska Aids Council has been awarded potentially a grant by our Health Endowment Board for the care of persons with Aids ...

Ms Boesch: That's correct.

Mr. Fortenberry: and I'm sure that's perfectly appropriate and something we'll all very much support, but this is difficult when you've got, according to persons I've talked to, medically inaccurate information that could potentially lead someone to a wrong decision.

Ms. Boesch: Now, you'd probably be up for debate by talking with other people that would find it not medically inaccurate.

Mr. Fortenberry: OK.

Cindy Johnson, Council Member: This is just a question Kit and I'm personally glad that it's up for debate. We have a diverse community and we have a Council that represents that diversity which is wonderful and this is the place that the discussion should be. People talk about it in the community and I think we have a responsibility as elected officials to talk about this. I know one of the concerns was the depicting of some of that material with our minorities and you had told me that you were going to go back and they would try to redo that in such a way that it doesn't depict that is that correct or not?

Ms. Boesch: Not exactly. The material that's already written they can't go back and redo they didn't write it. I do think that the issues brought up on minority representation are accurate concerns because most of the issues that are written around Aids are written from a global perspective and global perspectives do not always represent Lincoln Nebraska. My suggestion to several of the people who were concerned was that they meet with personnel from the Nebraska Aids Project and see if there's something that we can write locally that does more accurately predict, more accurately depict our ethnic minority concerns in this community. I thought that the concern was very well made. We can't rewrite what someone else writes and most of that information was written globally. We don't have much information written on Aids here in Lincoln for the Lincoln population and I think if that would be a better analysis of our ethnic minority communities and the dangers that are presented to those communities it would be better to write something locally, I'm not so sure that the Nebraska Aids Project wouldn't be amiable to doing that.

We can't rewrite what someone else writes, so yes they're very open to that.

Ms. Johnson: Well I know that I have a high deal of respect for the Nebraska Aids Project. They do a class act that's why I was a little concerned with the mumble jumble that occurred with this, but if they are really, if they're concerned about getting government dollars would they not be concerned about the diversity of those government officials in some of those things? Would adding some risk behaviors and some concern about that at some time in the future just like with the minority be, would they be interested in looking at some of that if they're looking at using ...?

Ms. Boesch: I have found personnel with the Nebraska Aids Project to be very open to adding materials whether it's someone else's written material someone's more comfortable with or whether it's writing materials that would be accurate and appropriate for this community. I have never heard them say they wouldn't do that.

Ms. Johnson: Well, I think educating people on the tremendous risk of Aids is important. I think it wouldn't hurt if they would please, and I'd like for you to represent that, talk to them about being very honest and open with yes there is some medical debate on this. And, I think we as people need to know that there is a medical debate. I have a son because I used a condo, so it doesn't always work and I'm here to tell you that.

We decided that wasn't our way to do our family planning because we now have a wonderful, beautiful son. It doesn't hurt to say that there is risk even with that and to be more clearly on it and I think then when people make that decision they're making it with the truth and people are going to make that decision. It's better than nothing.

Ms. Boesch: It is better than nothing.

Ms. Johnson: And, why don't we just be real more open with some of that.

Ms. Boesch: I guess that's been my concern with the debates since day one. You know there's things that people can object to when some of the material is written, but the truth is that there are people who make mistakes sometimes in their decision making and they are people who have situations like yours that still occur and it doesn't change the fact that that doesn't mean we shouldn't try to present information that may save their lives and I guess that's where I come from. AIDS education, HIV AIDS education saves lives. How people interpret it a lot of times that's either in the eye of the beholder or the eye of the presenter as it's being presented which is your issue and I'm sure that they're watching today and will hear that. There's a lot of prevention education material that we don't have any control over once someone reads it. Drug and

alcohol material on drunk driving. We have a lot of information on drunk driving and we hope the people don't drink and drive, but I can't interpret what someone's going to say when they pick that up to say, "Hey maybe I ought to go try that". The point is you have it out there because people read it and it's an opportunity for them to listen and learn and make better choices. Discussions of concern revolved around a persons ability to make that decision on their own. That was part of my rationale for recommending and I do recommend that it go for work place education, because predominately in the workplace you have an adult workforce. And, I do think people have the ability to debate if they chose to debate, to read, to listen, and maybe to have a little bit more educated experience to debate than a youth would have. Basically the materials you are looking at for workplace education are nationally known materials. They're used all over the country and I'm encouraging that they be used here in Lincoln and that the money go specifically for that.

Jerry Shoecraft, Council Person: One point or two points I want to make is that when this first package of information came before us I had a lot of concerns with that information and that material as some of my colleagues did and a lot of people in the community did, and especially when it was talking about using condoms. Also, the language that he was talking about with the African American community I thought was totally inappropriate and could have been rephrased in a different manner, and so I couldn't support that. Since that time I've asked you to bring something forward that will eliminate those controversial subject areas which I cannot support and ... But, I do think, you know, if City County government is going to be funding this type of program or material that all the facts need to be laid out for the community and I'm hoping, this is much better from my standpoint than the first round of information and I'm happy to see we're not supporting the other part of this material that deem to be, from my point of view, inappropriate. But, I do think that needs to go further in the future in regards to what Councilman Fortenberry was talking about all the facts about the condoms and the truth and then the choices can be made as Cindy pointed out. But, it needs to go a little step further, hopefully, next year when you do this.

You know and I'm not funding material for nationally, I'm funding material for Lincoln, Lancaster County I suppose, but I would think they could write some of their own material also and I would encourage them to do so and to be open in regards to that ideal that Cindy pointed out. But, this is much better than the other material. It eliminates the things I had a concern about with the use and the condoms and the material regarding the Indian and the Black community and so, but they could go a little step further and I hope they do that, make sure.

Annette McRoy, Council Member: I'm a little disappointed we're still discussing this and we watered it down to just workplace adult education. On the back of the resolution we have statistics about young adults 7500 are infected on a daily rate, that's 5 a minute. Who's going to educate them? I mean I realize we need to work in the adult workplace that's all and fine, what about the rest of the population that's at risk.? I guess that disappoints me we had to water it down, a very good cause, a very good use of Keno money to the point where we are telling the Nebraska Aids Project what we will support and not support. I agree with Mr. Fortenberry maybe it doesn't prevent there's still a risk of AIDS. We tell kids to make it click, make the seat belts click when we get into the car and we know despite seatbelts people still die, but overall we give the message to wear our seatbelts everyday. It's better, and we do it because we believe that. you know, the chance of serious injury will be diminished. I think wearing a condom the chance of picking up a SID will be diminished, maybe not a 100%, but it will be a lot more diminished.

So, I guess I'm extremely disappointed. I will support this, but I don't want to tell the experts how to do their job and I want to protect the kids. I think the 15 to 24 age group is probably more vulnerable than adults in the workplace.

Ms. Boesch: The only comment I would have, Annette, is that obviously I would agree with you, but I do think that this was kind of a compromise. To answer your questions to who does the other education, the \$2500 that is being recommended for the City Council side will go for the workplace. There has been no restriction on the County side of the \$2500 nor is there any restriction on some of the money that comes from the Community Health Endowment. And, hopefully collectively we could reach all people in this community.

Ms. McRoy: We just created work for you, I guess, tracking to make sure that the workplace instead of you spending your time as the Director of Human Service Dept. you're going to be checking on where the brochures went in the workplace and which companies received them and that's not a

good use of your time either.

Ms. Boesch: But, I will do that.

Mr. Shoecraft: She's young and active.

This matter was taken under advisement.

MISCELLANEOUS BUSINESS

Danny Walker, 427 E Street: Auto Auction and Tow Lots that are in the flood plains should have the vehicles tied down. Mr. Walker stated that Mike Merwick of Building & Safety said they will comply with the flood plains regulations and have tie downs in these areas. He talked about the situation of Kathy Renk at 1st & G Street where fill was put over the sewer & in the alley causing water to collect next to her property which is in the flood plain. Cindy asked if he had received a response to the landscaping under a viaduct issue brought up previously.

Roger has responded to Danny. He mentioned he never did receive a response from the six questions he posed to the Council previously. He stated that Mr. Seacrest had said he didn't have to give him those answers.

This matter was taken under advisement.

Dr. Tim Fisher, Member of the Community Health Endowment: Came forward to express opinion of the use of condoms to prevent AIDS. The condom has natural capillaries and the size is 10 times the size of an HIV virus. The perfect use of condoms allows 17% per year of HIV negative people to become HIV positive. He asked that the Council reconsider supporting funding for literature which supports that condom use as a protective measure against HIV transmission.

This matter was taken under advisement.

ORDINANCES - 3RD READING

VACATING THE ALLEY NORTH OF W. C ST. & WEST OF SW 1ST ST. (4/10/00 - CONT. 3RD READING W/PUBLIC HEARING TO 4/7/00) - CLERK read an ordinance, introduced by Cindy Johnson, vacating the alley north of West C Street and west of S.W. 1st Street and retaining title thereto in the City of Lincoln, Lancaster County, Nebraska, the third time.

JOHNSON Moved to pass ordinance as read.

Seconded by McRoy & **LOST** by the following vote: AYES: None; NAYS:

Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft.

The ordinance, having **LOST**, was assigned File #38-4337, & was placed on file in the Office of the City Clerk.

RENAMING LAKEVIEW DR. AS "PHARES DR." IN THE EDENTON NORTH 5TH ADD. GENERALLY LOCATED SOUTH OF PIONEERS BLVD. BETWEEN S. 70TH & S. 84TH STS. - CLERK read an ordinance, introduced by Jon Camp, changing the name of Lakeview Dr. to "Phares Dr." located in the Edenton North 5th Add. generally south of Pioneers Blvd. between S. 70th & S. 84th Sts., as recommended by the Street Name Committee, the third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp,

Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered #17646, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3196 - APP. OF THE INTERIM PLANNING DIRECTOR FOR A CHANGE

FROM B-1 LOCAL BUSINESS & R-3 RESIDENTIAL TO B-2 PLANNED NEIGHBORHOOD BUSINESS & FROM R-3 RESIDENTIAL TO AGR AGRICULTURAL RESIDENTIAL, ON PROPERTY GENERALLY LOCATED AT S. CODDINGTON AVENUE & WEST VAN DORN ST. (IN CONNECTION W/00-66, 00-67, 00-68) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

CAMP Moved to place Bill No. 00-65 on Pending.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CHANGE OF ZONE 3210 - APP. OF THE INTERIM PLANNING DIRECTOR FOR A CHANGE

FROM R-3 RESIDENTIAL TO AGR AGRICULTURAL RESIDENTIAL ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF S. CODDINGTON AVE. & W. VAN DORN ST.; FROM R-3 RESIDENTIAL TO AG AGRICULTURAL ON PROPERTY GENERALLY

LOCATED SOUTH OF W. VAN DORN ST., EAST OF CODDINGTON AVE., & WEST OF THE BNRR RIGHT-OF-WAY; & FROM R-3 RESIDENTIAL TO P PUBLIC USE ON PROPERTY GENERALLY LOCATED SOUTHEASTERLY OF THE BNRR RIGHT-OF-WAY SOUTH OF W. VAN DORN, NORTH OF W. CALVERT, & EAST OF S.W. 15TH ST. EXTENDED NORTH OF W. CALVERT ST. (IN CONNECTION W/00-65, 00-67, 00-68) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **#17647**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3247 - APP. OF THE INTERIM PLANNING DIRECTOR FOR A CHANGE

FROM AGR AGRICULTURAL RESIDENTIAL & R-3 RESIDENTIAL TO B-2 PLANNED NEIGH-BORHOOD BUSINESS, ON PROPERTY GENERALLY LOCATED ON THE SOUTHWEST CORNER OF S. CODDINGTON AVE. & W. VAN DORN ST. (IN CONNECTION W/00-65, 00-66, 00-68) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

CAMP Moved to place Bill No. 00-67 on Pending.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CHANGE OF ZONE 3209 - APP. OF THE ASSISTANT PLANNING DIRECTOR FOR A CHANGE

FROM I-1 INDUSTRIAL TO R-3 RESIDENTIAL & FROM I-1 INDUSTRIAL, B-1 LOCAL BUSINESS, & H-4 GENERAL COMMERCIAL TO P PUBLIC USE, ON PROPERTY GENERALLY LOCATED AT HWY. 77 & W. VAN DORN ST. (IN CONNECTION W/00-65, 00-66, 00-67) - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the districts established & shown thereon, the third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **#17648**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3242 - APP. OF JACQUELINE BERNIKLAU TO AMEND SECS. 27.07.020 &

27.07.080 OF THE LMC TO ALLOW PRIVATE SCHOOLS WITH CURRICULA EQUIVALENT TO PUBLIC SCHOOLS, AS A PERMITTED USE IN THE AG AGRICULTURAL DISTRICT - CLERK read an ordinance, introduced by Jon Camp, amending Secs. 27.07.020 & 27.07.080 of the LMC to allow private schools with a curriculum equivalent to public schools as a permitted use in the AG Agriculture Dist.; & repealing Secs. 27.07.020 & 27.07.080 of the LMC as hitherto existing, the third time.

CAMP Moved to pass ordinance as read.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

The ordinance, being numbered **#17649**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3243 - APP. OF NEBRASKA NEON SIGN COMPANY TO AMEND SEC. 27.69.044

OF THE LMC TO ADJUST THE LANGUAGE WITH REGARDS TO SIGNS IN THE O-3 DIST. TO ALLOW ON-PREMISES WALL SIGNS & ON-PREMISES PROJECTING SIGNS NOT TO EXCEED 10% COVERAGE PER FACADE OR A TOTAL OF 250 SQ. FT., WHICHEVER IS LESSER; TO ALLOW GROUND SIGNS PER VEHICULAR ENTRANCE INTO THE OFFICE PARK TO BE LOCATED IN THE REQUIRED FRONT YARD & TO ALLOW SAID GROUND SIGN TO ALSO IDENTIFY THE NAME OF THE TENANTS; TO ALLOW A 15 SQ. FT. GROUND SIGN AT EACH BUILDING ENTRANCE; & TO ALLOW THE CITY COUNCIL TO MODIFY THE GROUND SIGN & THE INTERNAL DIRECTIONAL SIGN REGULATIONS IN CONNECTION WITH THE GRANTING OF A USE PERMIT - CLERK read an ordinance, introduced by Jon Camp, amending Sec. 27.69.044 of the LMC relating to permitted signs in the O-1, O-2, & O-3 Zoning Dists. to adjust the language with regards to signs in the O-4 Dist. to allow on-premises wall signs & on-premises projecting signs not to exceed 10% coverage of the wall face or a total of 250 sq. ft. per building facade, whichever is lesser; to allow the ground signs at the vehicular entrance into an office park to be located in the required front yard with a minimum spacing of 50' from any other ground or pole sign & to allow said ground sign to also identify the name of the tenants; to allow a 15 sq. ft. ground sign at each building entrance; & to allow the City Council to modify the ground sign & the internal directional sign regulations in connection with the granting of a use permit; & repealing Sec. 27.69.044 of the LMC as hitherto existing, the third

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time.
JOHNSON Moved to pass ordinance as read.
Seconded by McRoy & carried by the following vote: AYES: Camp,
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.
The ordinance, being numbered **#17650**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3244 - APP. OF HEP, INC. FOR A CHANGE FROM H-3 HWY. COMMERCIAL TO
I-1 INDUSTRIAL ON PROPERTY GENERALLY LOCATED AT NW 27TH & INTERSTATE
80 - CLERK read an ordinance, introduced by Jon Camp, amending the Lincoln
Zoning Dist. Maps attached to & made a part of Title 27 of the LMC, as
provided by Sec. 27.05.020 of the LMC, by changing the boundaries of the
districts established & shown thereon, the third time.

CAMP Moved to pass ordinance as read.
Seconded by Johnson & carried by the following vote: AYES: Camp,
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.
The ordinance, being numbered **#17651**, is recorded in Ordinance Book 24, Page

CHANGE OF ZONE 3245 - APP. OF MANETTE KIDNEY FOR A CHANGE FROM AG AGRICUL-
TURAL TO O-2 SUBURBAN OFFICE ON PROPERTY GENERALLY LOCATED AT S.
84TH ST. & OLD CHENEY RD. - CLERK read an ordinance, introduced by Jon
Camp, amending the Lincoln Zoning Dist. Maps attached to & made a part of
Title 27 of the LMC, as provided by Sec. 27.05.020 of the LMC, by changing
the boundaries of the districts established & shown thereon, the third
time.

FORTENBERRY Moved to place Bill No. 00-72 on Pending for two weeks to 5/1/00.
Seconded by Cook & carried by the following vote: AYES: Cook,
Fortenberry, McRoy; NAYS: Camp, Johnson, Seng, Shoecraft.

CAMP Moved to pass ordinance as read.
Seconded by Johnson & carried by the following vote: AYES: Camp,
Johnson, Seng, Shoecraft; NAYS: Cook, Fortenberry, McRoy.
The ordinance, being numbered **#17652**, is recorded in Ordinance Book 24, Page

AMENDING SEC. 10.14.200, 10.14.210, & 10.14.220 OF THE LMC TO PERMIT U-TURNS AT
SELECT LOCATIONS WHEN PERMITTED BY AN AUTHORIZED TRAFFIC CONTROL
DEVICE - CLERK read an ordinance, introduced by Jon Camp, amending Chapter
10.14 of the LMC, Rules of the Rd., by amending Secs. 10.14.200,
10.14.210, & 10.14.220 to allow U-turns at select locations when permitted
by an authorized traffic control device; & repealing Secs. 10.14.200,
10.14.210, & 10.14.220 of the LMC as hitherto existing, the third time.

JOHNSON Moved to delay action on Bill 00-73 for two weeks to 5/1/00.
Seconded by Camp & carried by the following vote: AYES: Camp, Cook,
Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING A LEASE AGRMT. BETWEEN THE CITY & THE AMERICAN LEGION POST #3 FOR THE
LEASE OF SHERMAN FIELD FROM APRIL 1, 2000 THROUGH DEC. 31, 2004 - CLERK
read an ordinance, introduced by Jon Camp, approving a Lease between the
American Legion Post #3 & the City of Lincoln, Nebraska, for lease of
Sherman Field for a period of 5 yrs., the third time.

CAMP Moved to pass ordinance as read.
Seconded by Johnson & carried by the following vote: AYES: Camp,
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.
The ordinance, being numbered **#17653**, is recorded in Ordinance Book 24, Page

ADMINISTRATIVE FINAL PLATS & SPECIAL PERMITS

SPECIAL PERMIT 1713A - APPLICATION OF KREIN REAL ESTATE AND ASPEN PARTNERSHIP TO
AMEND THE ASPEN 3RD COMMUNITY UNIT PLAN TO REDUCE THE FRONT YARD
SETBACK ON THE SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL LOTS FROM 25 FEET
TO 20 FEET ON PROPERTY GENERALLY LOCATED AT EAGLE RIDGE ROAD AND CARMEN
CIRCLE - CLERK read the following resolution, introduced by Jeff
Fortenberry, who moved its adoption:

A-80121 WHEREAS, Krein Real Estate and Aspen Partnership have submitted an
application designated as Special Permit No. 1713A for authority to
amend the Aspen 3rd Addition Community Unit Plan to reduce the front yard
setback on the single-family and two-family residential lots from 25 feet
to 20 feet on property located at Eagle Ridge Road and Carmen Circle, and
legally described to wit:

Lots 2-6, Block 2, Aspen 5th Addition; Lots 1-19, Block
2, Aspen 5th Addition; Lots 1-12, Block 4, Aspen 5th
Addition; Lots 1-8, Block 1, Aspen 6th Addition; Lots 1-
3, Block 2, Aspen 6th Addition; Lots 1-4, 8 and 9, Block
3, Aspen 6th Addition; Lots 1-3, Aspen 7th Addition;
Lots 2 and 3, Aspen 9th Addition, Lincoln, Lancaster
County, Nebraska;

WHEREAS, the real property adjacent to the area included within the site plan for this will not be adversely affected; and

WHEREAS, said site plan together with the terms and conditions hereinafter set forth are consistent with the intent and purpose of Title 27 of the Lincoln Municipal Code to promote the public health, safety, and general welfare.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the application of Krein Real Estate and Aspen Partnership, hereinafter referred to as "Permittee", to amend the Aspen 3rd Addition Community Unit Plan to reduce the front yard setback on the single-family and two-family residential lots from 25 feet to 20 feet be and the same is hereby granted under the provisions of Section 27.63.320 and Chapter 27.65 of the Lincoln Municipal Code upon condition that the reduction of the front yard setback be in strict compliance with said application, the site plan, and the following additional express terms, conditions, and requirements:

1. This permit approves a reduction in the front yard setback from 25 feet to 20 feet.

2. Before receiving building permit the construction plans must conform to the approved plans.

3. Before occupying the dwelling units, all development and construction must be completed in conformance with the approved plan.

4. All privately-owned improvements, including landscaping, recreational facilities and the off-site storm water detention cell located upon that portion of Outlot "A" Aspen 1st Addition, must be permanently maintained by the Permittee or an appropriately established homeowners association approved by the City Attorney.

5. The site plan approved by this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.

6. The terms, conditions, and requirements of this resolution shall be binding and obligatory upon the Permittee and the Permittee's successors and assigns. The building official shall report violations to the City Council which may revoke the special permit or take such other action as may be necessary to gain compliance.

7. The Permittee shall sign and return the City's letter of acceptance to the City Clerk within 30 days following approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filing fees therefor to be paid in advance by the Permittee.

Introduced by Jeff Fortenberry

Seconded by Cook & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

WAVING THE PUBLIC STREET PAVING DESIGN STANDARDS FOR FRANKLIN ST. & WAIVING THE SIDEWALK REQUIREMENTS ALONG THE NORTH SIDE OF FRANKLIN ST. BETWEEN S. 51ST ST. & S. 52ND ST. IN THE MCMANAMAN-S ADD. ADMIN. FINAL PLAT - PRIOR to reading:

CAMP Moved to accept a Substitute Resolution.

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read the following resolution, introduced by Jonathan Cook, who moved its adoption:

A-80130 WHEREAS, the Administrative Final Plat of McManaman's Addition was previously approved by the City of Lincoln; and

WHEREAS, pursuant to Sections 26.27.020 and 26.27.010 of the Lincoln Municipal Code, the conditions of approval of said Administrative Final Plat included the requirement that the subdivider install sidewalks along the north side of Franklin Street abutting Lot 2, McManaman's Addition, and pave Franklin Street abutting Lot 2, McManaman's Addition; and

WHEREAS, applicant has requested a modification to waive said requirements pursuant to ' 26.31.010 of the Lincoln Municipal Code; and

WHEREAS, the Planning Commission has reviewed said request and has made recommendations thereon; and

WHEREAS, the City Council finds that the strict application of all requirements would result in actual difficulties or substantial hardship or injustice to the property owner.

NOW, THEREFORE, BE IT RESOLVED by the City of Lincoln, Nebraska:

1. That the request to waive the requirement of the Section

27.27.020 of the Lincoln Municipal Code that sidewalks be constructed on the side of the street abutting the subdivision along the north side of Franklin Street abutting Lot 2, McManaman's Addition, is hereby denied.

2. That the request to waive the requirement of Section 26.27.010 of the Lincoln Municipal Code that all streets abutting and within a new subdivision shall be paved with curb and gutters for Franklin Street abutting Lot 2, McManaman's Addition, is hereby approved; provided however, nothing herein shall be construed to preclude the City Council from ordering the construction of paving in said location at any time in the future upon proper notice to the owners, their successors or assigns.

All other conditions for approval of the Administrative Final Plat of McManaman's Addition shall remain in full force and effect.

Introduced by Jonathan Cook

Seconded by McRoy & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

PETITIONS & COMMUNICATIONS

THE FOLLOWING WERE REFERRED TO PLANNING DEPT.

Change of Zone 3227 - App. of Brian D. Carstens for the Boy Scouts of America - Cornhusker Council from P to O-3 at Southwood Dr. & NE Highway 2.

Use Permit 127 - App. of Boy Scouts of America, Cornhusker Council to construct & operate a Boy Scout Service Center w/associated outdoor activity areas at Southwood Dr. & NE Highway 2.

Special Permit 587F - App. of Boy Scouts of America, Cornhusker Council to amend Sp. Permits 587 & 419 to delete an area from the original boundaries of the Southwood Community Unit Plan at South 27th St - Old Cheney Rd to Highway 2.

Special Permit 751B - App. of Knights of Columbus for 26 days for Farmers Market for Spring, Summer, & Fall & unspecified days for future use to be designated at that time at 6040 South St.

Special Permit 1832 - App. of George & Kathy Mechling & Capitola E. Mechling to submit a C.U.P. for 19 residential lots & two outlots at Mockingbird Lane North & South 14th St.

Special Permit 1826 - App. of Land Construction Inc. for extraction of sand, gravel & soil, 27.63.360 at 56th & McKelvie.

Special Permit 1837 - App. of Associated Builders & Contractors for a private school for adult apprenticeship training at 830 Westgate Blvd.

REPORTS TO CITY OFFICERS

CLERK'S LETTER & MAYOR'S APPROVAL OF ORDINANCES & RESOLUTIONS PASSED ON APR. 3, 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk.

INVESTMENT OF FUNDS - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80129 BE IT HEREBY RESOLVED BY THE CITY COUNCIL of the City of Lincoln, Nebraska:

That the attached list of investments be confirmed & approved, & the City Treasurer is hereby directed to hold said investments until maturity unless otherwise directed by the City Council. (Investments beginning 04/7/00)

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REPORTS FROM CITY TREASURER OF TELECOMM. OCC. TAX DUE FOR THE MONTH OF FEB., 2000 FROM: Operator Comm., Claricom Networks, USA Paging, One Call Comm. - CLERK presented said report which was placed on file in the Office of the City Clerk. (20)

REPORT OF CITY TREASURER OF CITY CASH ON HAND AT THE CLOSE OF BUSINESS MARCH 31, 2000 - CLERK presented said report which was placed on file in the Office of the City Clerk. (5-21)

ACCEPTING THE REPORT OF NEW AND PENDING TORT CLAIMS AGAINST THE CITY AND APPROVING DISPOSITION OF CLAIMS SET FORTH THEREIN FOR THE PERIOD OF MARCH 16 - 31, 2000 - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80122 BE IT RESOLVED by the City Council of the City of Lincoln,
Nebraska:

That the claims listed in the attached report, marked as Exhibit "A", dated April 3, 2000, of various new and pending tort claims filed against the City of Lincoln with the Office of the City Attorney or the Office of the City Clerk, as well as claims which have been disposed of, are hereby received as required by Neb. Rev. Stat. ' 13-905 (Reissue 1997). The dispositions of claims by the Office of the City Attorney, as shown by the attached report, are hereby approved:

<u>DENIED</u>		<u>ALLOWED</u>
LaTonya Weaver, on behalf of:		Sid Madlock & Anita Webb, on
Danius Roberts	\$1,848.00	behalf of Alexandra Madlock
Francis Robert	2,544.50	& Antonio Madlock \$7,500.00
		Vallerie Patterson, on behalf of:
		Elva Raper 1,553.50
Bobby Weaver	1,933.00	Timothy Reiss 500.00
Ollie Weaver, on behalf of:		
Jordan King	780.00	
Daniel King	1,208.00	
George Weaver	2,660.00	
Samuel Wineberg & Deborah Cole	200.00	
Carol Essenburg	8,500.00	
Case Maranville	50.00	

The City Attorney is hereby directed to mail to the various claimants listed herein a copy of this resolution which shows the final disposition of their claim.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

OTHER RESOLUTIONS

APPLICATION OF TFG, INC. DBA ATHE CAPITOL DINING ROOM® FOR A CLASS AI® AND LIQUOR CATERING LICENSE AT 1445 AK® STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80114 BE IT RESOLVED by the City Council of the City of Lincoln,
Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of TFG, Inc. dba AThe Capitol Dining Room® for a Class AI® liquor license at 1445 AK® Street, Lincoln, Nebraska, for the license period ending April

30, 2000, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MANAGER APPLICATION OF RACHEL MARY KLOSTERMAN FOR TFG, INC. DBA ATHE CAPITOL DINING ROOM® AT 1445 AK® STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80115 WHEREAS, TFG, Inc. dba AThe Capitol Dining Room® located at 1445 K Street, Lincoln, Nebraska has been approved for a Retail Class "I" liquor license, and now requests that Rachel Mary Klosterman be named manager;

WHEREAS, Rachel Mary Klosterman appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Rachel Mary Klosterman be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Camp & carried by the following vote: AYES: Camp, Cook,

Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

MANAGER APPLICATION OF CRAIG WEIDNER FOR B & R STORES, INC. DBA ARUSS-S B & R IGA® AT 130 N. 66TH STREET - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80116 WHEREAS, B & R Stores, Inc. dba ARuss-s B & R IGA® located at 130 North 66th Street, Lincoln, Nebraska has been approved for a Retail Class "D" liquor license, and now requests that Craig Weidner be named manager;

WHEREAS, Craig Weidner appears to be a fit and proper person to manage said business.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that Craig Weidner be approved as manager of this business for said licensee. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APP. OF CORY FLETCHER DBA AMAHONEY GOLF COURSE® FOR A CLASS AA® LIQUOR LICENSE AT 7900 ADAMS - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80117 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Cory Fletcher dba AMahoney Golf Course® for a Class AA® liquor license at 7900 Adams Street, Lincoln, Nebraska, for the license period ending April 30, 2000, be approved with the condition that the premise complies in every respect with all city and state regulations. The City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPLICATION OF FOLSOM CHILDREN-S ZOO FOR A SPECIAL DESIGNATED LIQUOR LICENSE COVERING AN AREA MEASURING 200' BY 200' IN ZOOVILLE SQUARE AT 1222 S. 27TH STREET ON THE 9TH DAY OF JUNE, 2000 FROM 5:00 P.M. TO 10:00 P.M. - CLERK read the following resolution, introduced by Cindy Johnson, who moved its adoption for approval:

A-80118 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That after hearing duly had as required by law, consideration of the facts of this application, the Nebraska Liquor Control Act, and the pertinent City ordinances, the City Council recommends that the application of Folsom Children's Zoo for a Special Designated License to cover an area measuring 200 feet by 200 feet in Zooville Square at 1222 S. 27th Street, Lincoln, Nebraska, on the 9th day of June, 2000, between the hours of 5:00 p.m. and 10:00 p.m., be approved with the condition that the premise complies in every respect with all City and State regulations.

BE IT FURTHER RESOLVED the City Clerk is directed to transmit a copy of this resolution to the Nebraska Liquor Control Commission.

Introduced by Cindy Johnson

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPOINTING RANDY ROSS AND ED SCHNEIDER TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR THREE-YEAR TERMS EXPIRING APRIL 15, 2003 - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80119 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the appointment of Randy Ross and Ed Schneider to the Lincoln-Lancaster County Board of Health for three-year terms expiring April 15, 2003 is hereby approved.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

REAPPOINTING BETSY PALMER TO THE LINCOLN-LANCASTER COUNTY BOARD OF HEALTH FOR
A THREE-YEAR TERM EXPIRING APRIL 15, 2003 - CLERK read the following
resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80120 BE IT RESOLVED by the City Council of the City of Lincoln,
Nebraska:

That the reappointment of Betsy Palmer to the Lincoln-Lancaster
County Board of Health for a three-year term expiring April 15, 2003 is
hereby approved.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp,
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING A COOPERATIVE PURCHASING AGREEMENT BETWEEN THE CITY AND INTERCITY
TRANSIT OF OLYMPIA, WASHINGTON FOR THE PURCHASE OF 20 FULL-SIZE TRANSIT
VEHICLES - CLERK read the following resolution, introduced by Jeff
Fortenberry, who moved its adoption:

A-80123 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the Intergovernmental Cooperative Purchasing Agreement between
the City of Lincoln, Nebraska, and Intercity Transit, a Washington
municipal corporation, allowing the City to participate in a cooperative
purchasing agreement with Intercity Transit for the purpose of replacing
transit vehicles in January 2002, a copy of which is attached hereto marked
as Attachment AA® and made a part hereof by reference, is hereby approved
and the Mayor is authorized to execute said Intergovernmental Cooperative
Purchasing Agreement on behalf of the City.

The City Clerk is directed to return one fully executed copy of said
agreement to Larry Worth, Public Works & Utilities, StarTran, for
transmittal to Intercity Transit.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp,
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING A REAL ESTATE CONTRACT BETWEEN THE CITY, LANCASTER COUNTY, AND THE
ESTATE OF JEAN BRESLOW FOR THE PURCHASE OF PROPERTY AT 230 SOUTH 9TH STREET
- CLERK read the following resolution, introduced by Jeff Fortenberry, who
moved its adoption:

A-80124 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska:

That the attached Real Estate Contract between the City, Lancaster
County, and Sonia Breslow, Personal Representative of the Estate of Jean
Breslow, for the purchase of real property described as Lots 12 and 13,
Block 69, Original Plat of Lincoln, Lancaster County, Nebraska, in
accordance with the terms and conditions contained in said Agreement, is
hereby approved and the Mayor is authorized to execute the same on behalf
of the City of Lincoln.

The City Clerk is directed to return three executed originals of the
Real Estate Contract to Dave Johnson, Deputy County Attorney, for
consideration before the County Board.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp,
Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

APPROVING APPROPRIATIONS IN THE AMOUNT OF \$2,500 FROM THE OPERATION OF KENO
LOTTERY FOR THE NEBRASKA AIDS PROJECT WITH RESTRICTED FUNDING TO BE SPENT
ONLY ON MATERIAL FOR THE WORKPLACE WHICH RAISES AWARENESS OF AIDS IN THE
LOCAL ADULT COMMUNITY - CLERK read the following resolution, introduced by
Jerry Shoecraft, who moved its adoption:

A-80125 WHEREAS, Resolution No. A-75378 provides that five percent of the
gross proceeds realized by the City of Lincoln from the operation of
a keno lottery shall be designated for such human services as may be
recommended and approved by the Joint Budget Committee, City Council and
Lancaster Board of Commissioners; and

WHEREAS, the Joint Budget Committee has recommended that the City
Council and Lancaster County Board of Commissioners approve \$5,000 for
Nebraska AIDS Project; and

WHEREAS, the City portion of this funding would amount to \$2,500; and

WHEREAS, it is desirable that such funding be restricted and spent
only on material for the work place which raises awareness of the local
adult community.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of
Lincoln, Nebraska:

The designation of the \$2,500 from gross funds from the operation of
keno lottery for the Nebraska AIDS Project that is restricted for use only
for material for the work place which raises awareness of AIDS in the local

adult community is hereby approved and the Mayor is authorized to enter into grant contracts with Lancaster County, Nebraska and the Nebraska AIDS Project as authorized by this Resolution.

Introduced by Jerry Shoecraft

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Johnson, McRoy, Seng, Shoecraft; NAYS: Fortenberry.

APPOINTING JON D. CARLSON TO THE LINCOLN-LANCASTER COUNTY PLANNING COMMISSION TO FILL AN UNEXPIRED TERM EXPIRING AUGUST 24, 2001 - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80126 BE IT RESOLVED by the City Council of the City of Lincoln, Nebraska: That the appointment of Jon D. Carlson to the Lincoln-Lancaster County Planning Commission to fill an unexpired term expiring August 24, 2001 is hereby approved.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING DATE OF MON., APRIL 24, 2000 AT 6:30 P.M. ON THE APP. OF LINCOLN-P STREET CATERING CO., INC. DBA AEMBASSY SUITES® FOR A RETAIL CLASS AIK® LIQUOR LICENSE AT 1040 AP® ST - CLERK read the following resolution, introduced by Jeff Fortenberry, who moved its adoption:

A-80127 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., Apr. 24, 2000, at 6:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following App. of Lincoln-P Street Catering Co., Inc. dba "Embassy Suites" for a Retail Class "IK" Liquor License at 1040 "P" St.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jeff Fortenberry

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

SETTING DATE OF MON., MAY 1, 2000 AT 1:30 P.M. ON THE APP. OF CONCORD NEIGHBORHOOD CORP. DBA AAPPLEBEE'S NEIGHBORHOOD GRILL & BAR® FOR A RETAIL CLASS AI® LIQUOR LICENSE AT 1133 AQ® ST - CLERK read the following resolution, introduced by Jon Camp, who moved its adoption:

A-80128 BE IT RESOLVED by the City Council, of the City of Lincoln, that a hearing date is hereby fixed for Mon., May 1, 2000, at 1:30 p.m. or as soon thereafter as possible in the City Council Chambers, County-City Building, 555 S. 10th St., Lincoln, NE, for the purpose of considering the following App. of Concord Neighborhood Corp. dba "Applebee's Neighborhood Grill & Bar" for a Retail Class "I" Liquor License at 1133 Q Street.

If the Police Dept. is unable to complete the investigation by said time, a new hearing date will be set.

Introduced by Jon Camp

Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ORDINANCES - 1ST & 2ND READING

CREATING WATER DISTRICT NO. 1179 IN PLUM STREET FROM GILLESPIE TO APPROXIMATELY 350 FEET EAST - CLERK read an ordinance, introduced by Jeff Fortenberry, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING ALLEY PAVING DISTRICT NO. 358 IN THE NORTH SOUTH ALLEY BETWEEN ST. PAUL AND MADISON STREETS, 49TH STREET TO 50TH STREET - CLERK read an ordinance introduced by Jeff Fortenberry, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING PAVING DISTRICT NO. 2617 IN 73RD STREET FROM CUMING TO THURSTON STREETS - CLERK read an ordinance, introduced by Jeff Fortenberry, defining the

limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING WATER DISTRICT NO. 1180 IN 33RD STREET FROM SUPERIOR STREET NORTH TO APPROXIMATELY MERIDIAN DRIVE - CLERK read an ordinance, introduced by Jeff Fortenberry, designating the real estate to be benefitted, providing for assessment of the costs of the improvements constructed therein, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CREATING PAVING DISTRICT NO. 2618 IN 33RD STREET FROM SUPERIOR STREET NORTH TO APPROXIMATELY MERIDIAN DRIVE - CLERK read an ordinance, introduced by Jeff Fortenberry, defining the limits thereof, establishing the width of the roadway to be paved and the width of the grading to be done, providing for the curbing, guttering, and relaying of sidewalks, providing for the payment of the cost thereof, designating the property to be benefitted, providing for the acquisition of easements and additional right-of-way, if necessary, and repealing all ordinances or parts of ordinances in conflict herewith, the first time.

CHANGE OF ZONE 3236 - APPLICATION OF GARNER INDUSTRIES FOR A CHANGE OF ZONE FROM AG AGRICULTURAL TO I-2 INDUSTRIAL PARK ON PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF 98TH AND CORNHUSKER HIGHWAY. (IN CONNECTION W/00R-124) - CLERK read an ordinance, introduced by Jeff Fortenberry, Change of Zone 3236 application of Garner Industries for a change of zone from AG Agricultural to I-2 Industrial Park on property generally located at the southwest corner of 98th and Cornhusker Highway, the first time.

CHANGE OF ZONE 3237 - AMENDING TITLE 27 OF THE LINCOLN MUNICIPAL CODE TO REQUIRE THAT NEW CONSTRUCTION IN THE R-4, R-5, R-6, R-7, AND R-8 ZONING DISTRICTS CONFORM WITH NEIGHBORHOOD DESIGN STANDARDS; TO ADJUST THE AREA REQUIREMENTS FOR MULTI-FAMILY DWELLINGS IN THE R-5 THROUGH R-8 ZONING DISTRICT; TO REMOVE THE R-C RESIDENTIAL CONSERVATION DISTRICT; TO ADJUST THE REQUIREMENTS FOR OPEN SPACE IN THE R-5 THROUGH R-8 ZONING DISTRICTS; AND TO ADD LANGUAGE TO ALLOW UP TO 25% OF A FRONT FACADE TO ENCROACH UP TO TWO FEET INTO THE REQUIRED FRONT YARD. (IN CONNECTION W/00R-127) - CLERK read an ordinance, introduced by Jeff Fortenberry, amending Title 27 of the Lincoln Municipal Code to require that new construction in the R-4, R-5, R-6, R-7, and R-8 zoning districts conform with Neighborhood Design Standards; to adjust the area requirements for multi-family dwellings in the R-5 through R-8 zoning district; to remove the R-C Residential Conservation District; to adjust the requirements for open space in the R-5 through R-8 zoning districts; and to add language to allow up to 25% of a front facade to encroach up to two feet into the required front yard, the first time.

APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND NEBRASKA GOLF & TURF, INC., AND NEBRASKA NATIONAL BANK FOR THE LEASE OF 225 GOLF CARS AND TEN UTILITY VEHICLES FOR USE BY THE CITY PARKS AND RECREATION GOLF DIVISION FOR A FOUR-YEAR PERIOD - PRIOR to reading:

JOHNSON Moved to suspend the rules to have 2nd & 3rd Reading on 4/24/00.

Seconded by Camp & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

CLERK Read an ordinance, introduced by Jeff Fortenberry, accepting and approving a Lease Agreement between the City of Lincoln, Nebraska ("City"), Nebraska Golf & Turf, Inc. and Nebraska National Bank (collectively referred to as "Lessor") for the lease of 225 golf cars and 10 utility vehicles for use by the City Parks and Recreation Golf Division, the first time.

APPROVING LEASE AGREEMENTS WITH NEXTEL WIP LEASE CORPORATION TO ALLOW FOR THE PLACEMENT OF TELECOMMUNICATION FIXTURES ON THE CITY-S WATER TOWER ON PROPERTY AT 56TH AND PINE LAKE ROAD AND AT N.W. 56TH AND W. SUPERIOR STREETS - CLERK read an ordinance, introduced by Jeff Fortenberry, accepting and approving the Lease Agreements between the City of Lincoln, Nebraska, a municipal corporation, and Nextel WIP Lease Corporation for the placement of telecommunications facilities upon City property and authorizing the Mayor to sign such Lease Agreement on behalf of the City, the first time.

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APPROVING A LEASE AGREEMENT BETWEEN THE CITY AND B&J PARTNERSHIP, LTD. FOR THE RELOCATION OF PUBLIC WORKS & UTILITIES ENGINEERING SERVICES AT 531 WESTGATE BLVD. - CLERK read an ordinance, introduced by Jeff Fortenberry, whereas, the City of Lincoln Public Works & Utilities Department, Engineering Division, desires to rent space of approximately 23,5000 square feet of a building owned by B & J Partnership, Ltd. located at 531 Westgate Blvd., Lincoln, Nebraska, the first time.

APPROVING A CONTRACT BETWEEN THE CITY & THE LINCOLN HAYMARKET DEVELOPMENT CORP. TO OPERATE & REGULATE A SATURDAY PUBLIC MARKET IN THE HAYMARKET AREA FROM MAY 6 THRU OCT. 28, 2000 - CLERK read an ordinance, introduced by Jonathan Cook, accepting and approving the Contract between the City of Lincoln, Nebraska, a municipal corporation, and the Lincoln Haymarket Development Corporation for establishment and regulation of a Saturday public market in the Haymarket area from May 6, 1999 through October 28, 2000, and authorizing the Mayor to sign such Contract on behalf of the City, the second time.

AMENDING SEC. 9.16.240 OF THE LMC RELATING TO SEXUAL CONTACT TO ADD LOCATIONS IN WHICH THIS ORDINANCE DOES NOT APPLY, REDEFINING THE PHRASE ASEXUAL CONTACT® & REPEALING 9.16.240 AS HITHERTO EXISTING - CLERK read an ordinance, introduced by Jonathan Cook, amending Section 9.16.240 of the Lincoln Municipal Code relating to sexual contact to add locations in which this ordinances does not apply and to redefine the phrase "sexual contact"; and repealing Section 9.16.240 of the Lincoln Municipal Code as hitherto existing, the second time.

MISCELLANEOUS BUSINESS

PENDING LIST -

CAMP Moved to extend the Pending List for 1 week.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

UPCOMING RESOLUTIONS

CAMP Moved to approve the resolutions to have Public Hearing on April 24, 2000.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

ADJOURNMENT

3:56 P.M.

CAMP Moved to adjourn the City Council Meeting of April 17, 2000.
Seconded by Johnson & carried by the following vote: AYES: Camp, Cook, Fortenberry, Johnson, McRoy, Seng, Shoecraft; NAYS: None.

So ordered.

Paul A. Malzer, Jr., City Clerk

Judy Roscoe, Office Assistant III

